
STATE OF NEW JERSEY, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Plaintiff,

-vs-

VENTRON CORPORATION, a Massachusetts
Corporation, WOOD-RIDGE CHEMICAL
COMPANY, a Nevada Corporation,
ROBERT M. WOLF and RITA WOLF, his
wife, and THE UNITED STATES LIFE
INSURANCE COMPANY, a New York
Corporation,

Defendants.

DEPOSITIONS UPON
ORAL EXAMINATION
OF
HENRY GLUCKSTERN
MICHAEL V. POLITO

TRANSCRIPT of the depositions of Henry Gluckstern
and Michael V. Polito, the witnesses, called for Oral Examina-
tion in the above-entitled action, said depositions being taken
pursuant to Superior Court Rules of Civil Practice by and before
WANDA URBANIAK, a Notary Public and Certified Shorthand Reporter
of the State of New Jersey, at Environmental Protection Agency,
Wood Ridge Road, Edison, New Jersey, on February 7, 1977, con-
mencing at 10:00 a.m.

ROBERT J. CIRILLO & ASSOCIATES

Certified Shorthand Reporters

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437821



1 **A P P E A R A N C E S:**

2 **LOWENSTEIN, SANDLER, BROCHIN, KOHL & FISHER, ESQS.,**
3 **By: Murry D. Brochin, Esq.,**
4 **Attorneys for Defendant Wolf.**

5 **KIMMELMAN, LIEB, WOLFF & SAMSON, ESQS.,**
6 **By: DAVID N. SAMSON, ESQ.,**
7 **Attorneys for Defendant Ventrol and Wood-Ridge**
8 **Chemical Co.**

9 **HELLRING, LINDEMAN, LANDAU & SIEGAL, ESQS.,**
10 **By: MARGARET DEE HELLRING, ESQ.,**
11 **Attorneys for Defendant U.S. Life Insurance Co.**

I N D E X

WITNESS

DIRECT

CROSS

REDIRECT

Henry Gluckstern

By: Mr. Brochin
Mr. Samson

2

15

8

Michael V. Polito

By: Mr. Brochin

17

1 HENRY GLUCKSTERN, being duly sworn, according
2 to law, by the Officer, testifies as follows:

3
4 DIRECT EXAMINATION BY MR. BROCHIN:

5
6 Q Mr. Gluckstern, will you tell us by whom
7 you are employed?

8 A Employed by the United States Environmental Pro-
9 tection Agency. Work in the Region II Office.

10 Q In what capacity are you employed?

11 A Attorney with the Water Enforcement Branch in the
12 Enforcement Division.

13 Q Are you a member of the Bar of some state?

14 A Yes. Of the State of New York.

15 Q When were you admitted to the Bar of the
16 State of New York?

17 A In April of 1974.

18 Q How long have you been an attorney employed
19 by the Water Enforcement Branch of the Enforcement Division?

20 A Since November of 1973.

21 Q Has your job position been the same since
22 the commencement of your employment by the Water Enforcement
23 Branch?

24 A Yes. It has.

25 Q Would you tell us what your duties are in



1 general?

2 A In general my duties consist of administrative of
3 the N.P.D.E.S. Permits Program.

4 Q What was the last thing you said?

5 A N.P.D.E.S. Permits Program. National Pollution
6 Discharge Elimination System. This includes the adminis-
7 tration and issuance of orders, preparation of complaints,
8 taking civil and criminal actions in Federal courts. In
9 addition, I coordinate with the Emergency Response Branch,
10 the oil spill and hazardous material program, and in con-
11 nection with that I take care of any problems that arise
12 concerning the spill of oil, noncompliance with the oil pol-
13 lution prevention regulations, 40 CFR Part 112. And any
14 problems that arise with hazardous materials, which at the
15 present time there being no regulations, are administered
16 under the Rivers and Harbors Act of 1899.

17 Q From what law school did you graduate?

18 A New York University Law School.

19 Q When did you graduate?

20 A In June of 1973.

21 Q Now, I gather from our conversation before
22 the commencement of your testimony that at our request
23 you've been good enough to make an effort to gather the
24 documentation in the possession of the EPA or some part of
25 it relating to Ventron, Wood-Ridge, Wood-Ridge Chemical,



1 at the site with which we're concerned in this lawsuit, is
2 that correct?

3 A That's correct.

4 Q Would you tell us more specifically what
5 you've done for the purpose of bringing documents here
6 today?

7 A Yes. I have had sent here prior to my arrival
8 the two files in my possession. One file consists it's a
9 case file concerning mercury discharge for Ventron Corpor-
10 ation. This file was prepared under the Refuse Act Permits
11 Program, which preceded the N.P.D.E.S. Permits Program.
12 Under this program and in contemplation of a permits pro-
13 gram that would operate nationwide the various regions of
14 EPA through their enforcement divisions entered into abate-
15 ment programs with various dischargers, which were normally
16 the major dischargers in each state. One of these was
17 Ventron Corporation and this file concerns the efforts of
18 the Enforcement Division to enter into agreements which
19 would result in the abatement of discharge levels of mercury
20 into service waters of the United States.

21 Q May we mark the entire file to which you're
22 referring?

23 A Yes. Mark that.

24 MR. BROCHIN: Would you do that,
25 please?



(File entitled "Case File: Mercury Discharge Ventron Corp. (Wood-Ridge, New Jersey)" is received and marked DE-1 For Identification.)

Q Referring now to the file which we've marked DE-1 For Identification would you tell us the date of the first document and the date of the last document? I assume that the papers are arranged chronologically, is that correct?

A That's correct. The earliest document that I find is February 11, 1970. The latest document that I find is June 21, 1974.

Q Have you any way of knowing whether that file, which we've marked DE-1 For Identification, is the file containing all of the case file documents relating to mercury discharge of Ventron during the period February 11, 1970, through June 21, 1974?

A No. However, in conjunction with the file maintained by the Status of Compliance Branch numbered NJ0000914 those two files together and in some cases there may be duplications, carbon copies of documents between the two files in common, those two files represent everything that EPA is aware of in the New York office relating to discharge of mercury, efforts to abate pollution and enforcement actions in general from our office.



1 Q How did you ascertain that?

2 A First through a check of my own files. Second,
3 through a check of the general files, which include all of
4 our case files under the Refuse Act of which this was one.
5 Third, by accessing through our computer the various names
6 by which the Ventron Corporation and its predecessors in
7 interest operated at the site located in Wood-Ridge, New
8 Jersey.

9 MR. BROCHIN: Off the record for a
10 moment.

11 (Discussion held off the record.)

12 BY MR. BROCHIN:

13 Q That's one group of data, part of which
14 you've brought and part of which you say is at the Status
15 of Compliance Branch?

16 A (Witness nods head in the affirmative.)

17 Q And you were in the process of explaining
18 to us all of the material which you've brought here and
19 then I interrupted you to follow that particular track.
20 Would you go ahead, please, and tell us about the other
21 material that you've brought.

22 A The other material that I brought was my own file,
23 which was commenced prior to the first notification to me
24 by the Emergency Response Branch of an emergency pollution
25 program caused by runoff from construction debris at the



1 site that Rovic occupied for a while during their demolition
2 work and a subsequent construction of the warehouse facili-
3 ties.

4 Q Do you have that file here, also?

5 A Yes.

6 MR. BROCHIN: May we mark that
7 DE-2 For Identification?

8 (Rovic Construction Company file is
9 received and marked DE-2 For Identification.)

10 BY MR. BROCHIN:

11 Q You referred to that as your own file?

12 A Yes.

13 Q Would you explain to us, please, what the
14 source of documents in that file is?

15 A Source of most of the documents in this file other
16 than my own chronology and summary of meetings with Wolf
17 and with Rovic representatives was reports to me from the
18 Surveillance and Analysis Division. These consist of var-
19 ious samples, test borings, samples from mercury and other
20 heavy metals. That is the basic content of this file, the
21 reports to me from Surveillance and Analysis.

22 In addition, this case became the concern of both
23 EPA and the New Jersey Department of Environmental Pro-
24 tection and a stipulation was entered into addressing itself
25 to certain environmental problems concerning the demolition



1 runoff and that is also entered into this file. That's
2 under cover letter of Lowenstein and Sandler dated
3 November 4th, 1975.

4 Q What is the period covered by the file
5 which we've just marked DE-2 For Identification.

6 A June 19, 1974, to November -- sorry. December 8,
7 1976.

8 Q Now, I note that there appear to be other
9 files here, which I gather are here in response to our
10 request for documents?

11 A That's correct.

12 Q Are you in a position to tell us what
13 those are and where they came from or is someone else in
14 a better position to do that?

15 A I think Mr. Polito would be in a better position
16 to accurately identify these files.

17 MR. SAMSON: Before I go to that,
18 I wonder if I might ask some questions if
19 you're through?

20 MR. BROCHIN: Yes.

21
22 CROSS-EXAMINATION BY MR. SAMSON:

23 Q I understand, Mr. Gluckstern, you're not
24 here to testify in terms of substance of either of these
25 files or the merits or the issues in the lawsuit, but you're



1 here really to tell us what documents you've produced pur-
2 suant to our request. However, if I may --

3 A I would be happy to answer any questions addressed
4 to me.

5 Q I don't want to get involved with any sub-
6 stantive issues of the case. I would, however, like to in-
7 quire as to your personal knowledge concerning the docu-
8 ments, which appear in the two files which we've marked For
9 Identification DE-1 and DE-2. Were these two files main-
10 tained by you personally?

11 A No. Only the second file referred to was maintained
12 by me personally.

13 Q When I asked you "maintained by you per-
14 sonally" did you physically keep it?

15 A That's correct.

16 Q On your desk or a file cabinet near your
17 office?

18 A It was kept in my office next to my desk.

19 Q And since the dates of inclusion according
20 to your testimony are June 19, 1974, through December 8,
21 1976, you were at EPA during that period of time?

22 A That's correct.

23 Q With respect to the file, which we've
24 marked DE-1 For Identification, you've indicated that the
25 first document is dated February 11, 1970, and that, of



1 course, antedates your employment with EPA by three years?

2 A That's correct.

3 Q Where was that file maintained before you
4 produced it today by Mr. Brochin's request?

5 A That was continuously maintained in our general
6 file, the Water Enforcement Branch general file, which is
7 an alphabetical file of all cases involving abatement ef-
8 forts under the Refuse Act Permits Program or either civil
9 or criminal action as taken under the Rivers and Harbors
10 Act.

11 Q Who in your branch had responsibility for
12 maintaining that file in the location you indicated?

13 A Secretary to the Chief of the Water Enforcement
14 Branch.

15 Q It was not part of your responsibility or
16 duties to maintain that file and keep it current, is that
17 correct?

18 A Well, that's not correct. It was my duty to keep
19 it current as to any additional documents, which should
20 have been placed in that file relating to subsequent action
21 on the Ventron site. However, that because of the dif-
22 ference in the nature of the two actions did not amount to
23 any significant amount of documents. There might be one
24 or two documents that were added to that file as a result
25 of my actions.



1 Q Prior to the production of the documents
2 today --

3 MR. BROCHIN: May I interrupt you
4 for a moment, please?

5 MR. SAMSON: Sure.

6 MR. BROCHIN: May we have the name
7 of the Secretary of the Chief of the En-
8 forcement Branch?

9 THE WITNESS: Mary Bavaro.

10 MR. SAMSON: And the Chief's name?

11 THE WITNESS: Richard A. Flye.

12 MR. SAMSON: Prior to --

13 THE WITNESS: He also has, inci-
14 dentally, personal knowledge of the docu-
15 ments in this file since he was at that time
16 in that branch.

17 BY MR. SAMSON:

18 Q I take it that then your information per-
19 taining to any activities or operations or conditions exist-
20 ing on the Wood-Ridge site prior to November 1973 when you
21 first became employed with EPA was again either in conver-
22 sations with other employees or as a result of your review
23 of this file?

24 A In fact --

25 Q Is that correct?



1 A Yes. In fact, I was not aware even of the existence
2 of the facility, the Ventron facility, until the first con-
3 tact through me through the Emergency Response Branch.

4 Q Is that in connection with the substance of
5 the file, which we've marked DE-2 For Identification?

6 A That's correct.

7 Q In other words, you first became aware of
8 this property and any circumstances pertaining to it as a
9 result of contact with your office sometime in May or June
10 of 1974?

11 A That's correct.

12 Q Now, you indicated in response to some
13 questions put to you by Mr. Brochin that these files to-
14 gether with the Status of Compliance Branch File No. NJ0000914
15 cover all EPA documents pertaining to Ventron Corporation
16 and I believe you used the term "predecessors in interest?"

17 A That's correct. At our office. That means at
18 26 Federal Plaza office.

19 Q I understand that. How did you make a de-
20 termination that there are no other files or documents in
21 your New York office and, of course, when I say "your
22 office" I'm meaning EPA's office pertaining to Ventron
23 Corporation, Wood-Ridge Chemical Company, F. W. Berk and
24 Company, Inc., or Velsicol Chemical Corporation.

25 A Each of those names was individually accessed



1 through our computer, which contains a record of every case
2 that has been worked on since the inception of EPA Region II
3 and that is the only file that did show up. It's a deleted
4 file, which is maintained at our office, and it was deleted
5 because the facility ceased to exist.

6 Q So then put simply you have attempted to
7 determine through your computer whether any other files
8 exist pertaining to those named companies or corporations
9 and the response of the computer is that other than what
10 you've testified to today no other files exist?

11 A That is correct.

12 Q Now, EPA was created in 1972, is that cor-
13 rect?

14 A Yes.

15 Q Prior to the creation --

16 A Actually it was created in 1971, the end of '71.

17 Q Prior to the creation of EPA whenever it was
18 do you know whether the Federal Government or any agency of
19 the Federal Government maintained files or records pertain-
20 ing to the owner or owners or occupants of the Wood-Ridge,
21 New Jersey site, which is the subject matter of this liti-
22 gation?

23 A Other than files, which would have been maintained
24 by the corps of engineers all of which were turned over to
25 EPA I know of no other -- I can't answer yes or no on that



1 question, whether there are other agencies of the Federal
2 Government which maintained now or in the past did maintain
3 files relating either to discharges or other aspects of
4 that operation.

5 Q But with respect to any issues pertaining to
6 the environmental or health or the like, the three EPA files
7 which you've testified about this morning do contain to
8 your knowledge all information relating to those issues
9 whether or not it antedated the creation of EPA?

10 A You mentioned the word "health." It's my opinion
11 there would exist in the files of OSHA a health inspection
12 file on this facility.

13 Q When you say it's your opinion do you have
14 any facts to support that opinion or is it just speculation?

15 A I can't correctly remember whether that was men-
16 tioned at one time inspections at that facility, but it would
17 seem that since EPA knew that there was a problem with
18 mercury there there would have been inspections by OSHA.

19 Q You keep using the phrase "problem with
20 mercury." I again assume that your information or the source
21 of your information pertaining to that description comes
22 from the files which are in front of you?

23 A In the file, which is marked DE-1.

24 Q Does EPA presently have a surveillance or
25 investigation activity being conducted with respect to the



1 site, which is the subject matter of this litigation?

2 MR. BROCHIN: I'm sorry. May I

3 have that read back?

4 (Question referred to is read by
5 the reporter.)

6 A Not actively, nothing ongoing. However, the State,
7 I believe, has continuing interest in monitoring wells and
8 equally does EPA. Should a problem be found EPA will be-
9 come active again on the results from the samples from the
10 test wells.

11 Q Apart from any activity, which is being
12 conducted by the State of New Jersey with respect to this
13 property there is nothing presently --

14 A There is nothing.

15 Q -- active being conducted by EPA?

16 A That is correct.

17 MR. BROCHIN: Off the record a
18 moment.

19 (Discussion is held off the record.)

20
21 REDIRECT EXAMINATION BY MR. BROCHIN:

22 Q Referring to files which we've marked DE-1
23 and DE-2 For Identification why were those files maintained?

24 A In the regular course of our business starting with
25 the corps of engineers maintaining files dealing with the

1 Refuse Act Permits Program these files were maintained to
2 administer that program. Subsequent to that time when they
3 became in the possession of EPA these files were added to
4 N.P.D.E.S.'s program to reach agreements, written agreements
5 with corporations, there being no law in effect at that
6 time limiting discharges, limiting by those agreements
7 various parameters in effluence.

8 Q In the ordinary course of work of EPA is
9 reference made to these files and to the other files like
10 them? Are they used in the course of EPA's work?

11 A Only in enforcement.

12 Q But they are used in connection with en-
13 forcement I take it?

14 A Yes. That's correct.

15 MR. BROCHIN: I have no further
16 questions.

17 Mr. Polito, shall we ask you the
18 same sort of thing as to find out what you
19 have?

20 MR. POLITO: Sure do. It's up to
21 you.

22 MR. BROCHIN: You have no objection
23 to our doing it?

24 MR. POLITO: I don't have any ob-
25 jection.



M I C H A E L V. P O L I T O, being duly sworn, according to law, by the Officer, testifies as follows:

DIRECT EXAMINATION BY MR. BROCHIN:

Q Mr. Polito, by whom are you employed and in what position?

A I'm employed by the United States Environmental Protection Agency. I'm with the Emergency Response Branch.

Q What is your own particular position?

A I don't know if I have a title, but it used to be Hazardous Mercurial Consultant.

Q How long have you been employed by the EPA?

A I've been employed by the EPA since 1966, February 1966, and its predecessor agencies.

Q Would you tell us as best you can what your several positions have been during that period and very briefly the duties of each?

A I joined the EPA in 1966 as Chemist. I subsequently --

Q When you say "The EPA" you're referring to --

A And predecessor agencies.

Q -- '69?

A The Raritan Bay study, which was a part of the public health service. Subsequently we went through a

1 series of reorganizations and we became a part of it,
2 that's Delaware Basin Comprehensive Water Basin Study be-
3 came the North Atlantic Water Quality Office. Subsequently
4 became part of during this time Department of Interior and
5 Department of HEW, not necessarily in order, until the forma-
6 tion of the Environmental Protection Agency.

7 Q Mr. Gluckstern has told us I think that
8 was formed in 1971 and perhaps when it was put into opera-
9 tion in '72, is that correct?

10 A It's very possible.

11 Q So that, well, tell us what your positions
12 in these predecessor agencies were before the institution
13 of EPA?

14 A I became Chief Chemist of the various organization
15 groups that I belong located in Edison, New Jersey, until
16 1969. 1969 to 1972 I became Chief Chemist of the lower
17 Florida estuary study located in Fort Lauderdale, Florida,
18 a position I held until 1974. 1972. I'm sorry. 1972 to
19 1974 I was Chief of the Laboratory Branch, Rochester field
20 office of the EPA.

21 MR. SAMSON: Is that Rochester,
22 New York?

23 THE WITNESS: Rochester, New York.

24 A (continuing) 1974 to January 1976 I occupied the
25 position of Hazardous Material Consultant in the Emergency

1 Response Branch.

2 Q Where were you based?

3 A In Edison, New Jersey. In January 1976 until
4 October 1976 I was Chief of the Emergency Response Branch
5 and I have since October 1976 to the present time I have
6 resumed my position as Hazardous Material Consultant.

7 Q In any of those positions have you had any
8 direct responsibility for the conditions of or the condi-
9 tions emanating from the Wood-Ridge, New Jersey site, which
10 is the subject matter of our --

11 A Would you repeat that, please?

12 Q -- litigation?

13 A During any of the periods, which we've been talking
14 about have you yourself had any direct responsibility to
15 oversee, supervise, or take any action with respect to
16 the Wood-Ridge, New Jersey, site, which is the subject of
17 our litigation?

18 A To participate in activities concerning the Wood-
19 Ridge site since 1974 when I returned to Edison from
20 Rochester I've been, as I say, involved in activities.

21 Q 1974 then on your return from Rochester
22 that was the first date when you yourself participated in
23 any activities directly relating to the Ventron site?

24 A That's correct. Unless I was involved in the
25 analysis of samples here prior to 1969 of which I have



1 absolutely no recollection.

2 Q Now, through Mr. Gluckstern's good offices
3 I think you were good enough to bring with you or to en-
4 courage the collection of some documents --

5 A That's correct.

6 Q -- relating to our litigation? Would you
7 tell us what you have here?

8 A Yes. I have three folders containing miscellaneous
9 files that were in our filing cabinet located in the
10 Emergency Response Branch and I have a series of documents,
11 which I just had collected by the section of the Surveillance
12 and Analysis Branch in relationship to Ventron or Wood-Ridge,
13 Wood-Ridge Chemical.

14 Q Are you in a position to say whether these
15 documents, which you have on the table in front of us, are
16 all the documents in this office of EPA relating to the
17 Wood-Ridge site and let us say relating to mercury at the
18 Wood-Ridge site and mercury in connection with Ventron,
19 Wood-Ridge Chemical, and its predecessors?

20 A I am not in that position.

21 Q How would you or anyone else who is in-
22 terested in doing so ascertain what other documents, if any,
23 there are at this office relating to that matter?

24 A I would approach the Director of the Surveillance
25 and Analysis Division, the chief supervisory official, and



ask him to examine his files and all his branch chiefs to examine their files and to locate all documents of interest.

Q And what is that gentleman's name?

A His name is Mr. Richard Dewling.

Q And from your knowledge and the knowledge that Mr. Dewling has or would gather in the ordinary course of his duties from his subordinates would that tell us where all the documents are, what they all are? Would that enable us to gather them all?

A With reasonable certainty.

Q Where is Mr. Dewling based, where is his office?

A Right in Edison, New Jersey.

MR. BROCHIN: Off the record.

(Discussion is held off the record.)

BY MR. BROCHIN:

Q While we were off the record you indicated that I hadn't been entirely clear in my questioning so you had some clarification of your answer.

A No. No clarification in my answer. That's how I'm interpreting it.

Q Something that will help me because my questioning indicates that I may be misunderstanding you.

A When I say "file" they may be a chronological -- I'm sure they have a chronological file in their office of



1 memos that he might write on a subject matter. Anyone may
2 have this. Therefore, in a chronological file you may find
3 a document pertaining to the subject. That I don't think
4 you mean by "file" so are there documents existing in any
5 other files of whatever nature not does he have any files.

6 Q All right. That's a good question; and if
7 I adopt that then, is that, in effect, what you've been
8 answering by telling me I could ascertain that from yourself
9 from a combination of yourself and Mr. Dewling?

10 A Mr. Dewling would then direct and assign direct
11 people to review any files they have in their possession
12 of whatever nature and search them for documents of interest.

13 Q Okay. Now, one by one identify the files,
14 which you do have here. Start wherever you would be con-
15 venient.

16 A File No. 1 or --

17 Q It has a label, does it not?

18 A File entitled "Rovic Construction Company, 883,"
19 which has no particular significance except as a pile of
20 documents relating to Rovic.

21 MR. BROCHIN: Excuse me. Let's
22 mark that one.

23 (File entitled "Rovic Construction
24 Company, 883," is received and marked
25 DE-3 For Identification.)



BY MR. BROCHIN:

Q Let me ask you about this file, which we've marked DE-3 For Identification. What sort of material is contained in there?

A Contained in this file are some research papers, file memos, maps, handwritten notes, receipts for sampling that might have been connected with this case.

Q Who created the file, which we've marked DE-3 For Identification?

A I've created the file.

Q And are you the author of all the documents?

A No. I'm not the author of all the documents.

Q How did you happen to create the file? What was the occasion for your creating the file?

A When I first joined the branch one of my initial assignments was to visit the Wood-Ridge Chemical site and cooperate with the State of New Jersey in the project. At that time I searched out what documents I could find that existed and established a file.

Q When you say you searched out what documents you could find that existed --

A In the Branch.

Q -- what files did you examine for that purpose?

A I don't recall.



1 Q What is the period which is covered by the
2 documents in the file, which we've marked DE-3 For Identi-
3 fication?

4 A The first date labeled document that appears to be
5 in the file is identified April '74.

6 MR. SAMSON: Is there a day on
7 it or just a month and year?

8 THE WITNESS: It's a report prepared
9 for the soils investigation for Rovic Con-
10 struction Company prepared by Joseph Ward
11 Incorporated dated May '74. No day is given.

12 MR. SAMSON: Thank you.

13 BY MR. BROCHIN:

14 Q That's the earliest date?

15 A The last document that I see in the file is dated
16 December 8, 1976, which is a carbon copy of a letter
17 written by Mr. Dewling, Director. Letter appears, which
18 would not be the normal file copy, which would be usually
19 a yellow document.

20 Q While we were off the record you mentioned
21 I think that you had prepared a chronology of events?

22 A Yes.

23 Q Does that chronology appear in the file,
24 which we've marked DE-3 For Identification?

25 A Yes. It does.



1 Q When did you prepare that chronology?

2 A The chronology was prepared around November 10, 1976,
3 which I transmitted to Mr. Longstreet of the State DEP.

4 Q What was the purpose of your preparing the
5 chronology, the occasion?

6 A In the meeting with the Attorney General's Office
7 of the Department of Environmental Protection of the State
8 of New Jersey --

9 MR. LONGSTREET: This is off the
10 record.

11 (Discussion is held off the record.)

12 A (continuing) There was a need to have some order
13 into the collection of documents. I put all the files in
14 order and made an indexing chronology if you will of the
15 documents I had at that time.

16 Q And was that chronology, which you prepared,
17 intended by you to be an exhaustive listing of documents of
18 some kind?

19 A It was a listing of all documents, which I had in
20 the file at that time that had pertinence and relevance to
21 the case.

22 Q That's what I'm trying to get at, pertinence
23 and relate to what?

24 A We call it the Ventron, we call it the Rovic case,
25 we call it the Wolf case, we call it the Wood-Ridge case,



1 whatever title relating to that plot of land existing in
2 Wood-Ridge, New Jersey.

3 Q May we turn to the next file, which you've
4 been good enough to bring with you?

5 A I don't know what this file is. It may be -- these
6 are I just found out -- I took them in -- I think they're
7 just copies of this file. I haven't really examined them.

8 Q You think they're copies of what?

9 A Of this.

10 MR. SAMSON: Of DE-3?

11 THE WITNESS: Yes.

12 BY MR. BROCHIN:

13 Q Oh, I see.

14 A There's really nothing. When I prepared the chron-
15 ology I think they copied everything, which is in here. In
16 other words, in case someone else wanted a copy of the file
17 we had a duplicate copy.

18 Q I see. So, somebody can tell what they are
19 we're talking about on the record you have in addition to
20 the file which we've marked DE-3 For Identification two
21 other files and are you saying that those two other files
22 thus far are marked, that together you think are a dupli-
23 cate of DE-3?

24 A To a particular point in time. I think there have
25 been a couple.



Q You told us, also, there were some miscellaneous papers that were brought in by secretaries who retrieved them from other files?

A Yes. In conversations with Mr. Samson before the meeting began he indicated a need for other types of documents and I tried to cooperate and made some intent to obtain some of these documents however thick they may be. These documents, which I just ordered, briefly ordered, seem to date from 2-11-70 until 2 December 1971.

Q The particular compilation that you have there in that file is one which you've just made you say, correct?

A That's correct. There were some documents under "Enforcement Mercury Operations, Ventron Corporation, Wood-Ridge, New Jersey," but to that title I have added other miscellaneous documents that have been brought in during the course of this meeting and created a file.

MR. BROCHIN: May we have the file to which the witness is just now referring marked DE-4 For Identification?

(File entitled "Enforcement Mercury Operations, Ventron Corporation, Wood-Ridge, New Jersey," is received and marked DE-4 For Identification.)

1 CROSS-EXAMINATION BY MR. SAMSON:

2 Q Just in an effort to perhaps save some time
3 and cost to everybody, Mr. Polito, in reviewing the file,
4 which we've marked DE-3 For Identification, there appears
5 as the fifth document from the top of that file a six-page
6 memorandum purporting to list some 79 items by content,
7 date, and writer. Can you identify -- first let me ask you
8 this. Did you prepare that six-page memorandum?

9 A Yes. I did.

10 Q Is that the memorandum which you prepared,
11 as you stated briefly on the record, as a result of your con-
12 ference with the Attorney General's Office and representa-
13 tives of the New Jersey Department of Environmental Pro-
14 tection?

15 A Yes. It is. I'd like to correct it. It's the
16 third document in the file, fourth page.

17 Q I stand corrected. And can you tell us for
18 purposes of the record what is set forth on that six-page
19 document with respect to the materials in DE-3 For Identi-
20 fication?

21 A It's an audit arrangement of the file identified
22 DE-3 up until November 10th, 1976, which I chronologically
23 arranged all correspondence and reports, which I had at
24 that time in my possession pertaining to this particular
25 incident.



1 Q So that up until November 8th --

2 A Tenth.

3 Q -- November 10th, 1976, all documents which
4 are contained in the file, DE-3 For Identification, are set
5 forth in the six-page memorandum which you prepared?

6 A Yes.

7 MR. SAMSON: May we mark this mem-
8 orandum as a separate exhibit and just to
9 keep it chronological perhaps we can mark
10 it DE-3A For Identification.

11 (Six-page memorandum prepared by
12 Mr. Polito is received and marked DE-3A
13 For Identification.)

14 BY MR. SAMSON:

15 Q That memorandum would set forth all of the
16 documents, which are contained in DE-3 with the exception
17 of a letter dated December 8, 1976, from Mr. Dewling to
18 Mr. Ronald Heksch and a two-page memorandum entitled
19 "Monitoring the Uptake of Mercury in Berry's Creek" dated
20 November 16, 1976, correct, Mr. Polito?

21 A That's correct.

22 (Collection report, Lab No. 12560,
23 is received and marked DE-1A For Identifi-
24 cation.)

25 (Tag, chain of custody record, is



1 received and marked DE-1B For Identifica-
2 tion.)

3 (Collection report, Lab No. 12558,
4 is received and marked DE-1C For Identifi-
5 cation.)

6 (Tag, chain of custody record, is
7 received and marked DE-1D For Identifica-
8 tion.)

9 (Collection report, Lab No. 12557,
10 is received and marked DE-1E For Identifi-
11 cation.)

12 (Tag, chain of custody record, is
13 received and marked DE-1F For Identifica-
14 tion.)

15 (DE-1G, collection report, Lab
16 No. 12556, is received and marked DE-1G
17 For Identification.)

18 (Tag, chain of custody record, is
19 received and marked DE-1H For Identifica-
20 tion.)

21 (Collection report, Lab No. 12555,
22 is received and marked DE-1I For Identifi-
23 cation.)

24 (Tag, chain of custody record, is
25 received and marked DE-1J For Identifica-
tion.)

1 (Small piece of paper with writing,
2 "Wood-Ridge Chemical Co., 8/12/70," is re-
3 ceived and marked DE-1K For Identification.)

4 (Black and white graph is received
5 and marked DE-1L For Identification.)

6 (Two-page mercury summary sheet is
7 received and marked DE-1M For Identifi-
8 cation.)

9 (U. S. Department of the Interior-
10 Geological Survey consisting of nine pages
11 is received and marked DE-1N For Identifi-
12 cation.)

13 (Letter consisting of two pages
14 dated August 26, 1970, to Mr. Dewling from
15 Mr. Skougstad is received and marked DE-1O
16 For Identification.)

17 (Memo from Mr. Bromberg dated
18 October 1, 1970, is received and marked
19 DE-1P For Identification.)

20 (Pink three-page letter to Chief,
21 Operations Branch from F. P. Nixon dated
22 September 2, 1970, is received and marked
23 DE-1Q For Identification.)

24 (Yellow three-page letter to Chief,
25 Operations Branch, from F. P. Nixon is



1 received and marked DE-1R For Identifica-
2 tion.)

3 (Green three-page letter to Chief,
4 Operations Branch, from F. P. Nixon is re-
5 ceived and marked DE-1S For Identification.)

6 (Three-page memo to Chief, Operations
7 Branch, from Acting Chief, Field Investiga-
8 tions Section, dated September 2, 1970, is
9 received and marked DE-1T For Identifica-
10 tion.)

11 (Little orange route slip to
12 Ciancia from K. W. is received and marked
13 DE-1U For Identification.)

14 (Memo from Bromberg dated October 1,
15 1970, is received and marked DE-1V For
16 Identification.)

17 (Green lined graph is received and
18 marked DE-1W For Identification.)

19 (Two-page handwritten note in black
20 ink is received and marked DE-1X For Ident-
21 tification.)

22 (Memo from Mr. Bromberg dated
23 October 23, 1970, is received and marked
24 DE-1Y For Identification.)

25 (Mercury summary sheet dated



1 April 26, 1971, is received and marked
2 DE-1Z For Identification.)

3 (Collection report, Lab No. 13866,
4 is received and marked DE-1AA For Identi-
5 fication.)

6 (Memo to Chief, Operations Branch,
7 from Mr. Brezenski, dated March 23, 1971,
8 is received and marked DE-1BB For Identi-
9 fication.)

10 (Memo dated March 23, 1971, to
11 Chief from Mr. Brezenski, is received and
12 marked DE-1CC For Identification.)

13 (Slip of paper entitled on top
14 "Hudson - Delaware Basins Office" is re-
15 ceived and marked DE-1DD For Identification.)

16 (Report dated October 8, 1970,
17 Lab No. 13325, with pink, green and yellow
18 copies are received and marked DE-1EE For
19 Identification.)

20 (Handwritten notes consisting of
21 eleven pages is received and marked DE-1FF
22 For Identification.)

23 (Two-page daily effluent log is
24 received and marked DE-1GG For Identifica-
25 tion.)



1 (Mercury summary dated April 26, 1971,
2 is received and marked DE-1HH For Identifi-
3 cation.)

4 (Statement of water analysis - chemi-
5 cal is received and marked DE-1II For Ident-
6 tification.)

7 (Statement of water analysis-chemical
8 is received and marked DE-1JJ For Identifi-
9 cation.)

10 (Letter dated October 15, 1970, to
11 Water Resources Division from Marvin W.
12 Skougstad is received and marked DE-1KK
13 For Identification.)

14 (Four-page Evidence of Mercury
15 Sampling is received and marked DE-1LL For
16 Identification.)

17 (Collection report, Lab No. 13876,
18 is received and marked DE-1MM For Identifi-
19 cation.)

20 (Collection report, Lab No. 13875,
21 is received and marked DE-1NN For Identifi-
22 cation.)

23 (Mercury analysis dated February '71
24 for Hudson-Delaware Basin Office is re-
25 ceived and marked DE-100 For Identification.)



1 (Three-page Evidence of Mercury
2 Sampling is received and marked DE-1PP For
3 Identification.)

4 (Collection report, Lab No. 13326,
5 is received and marked DE-1QQ For Identifi-
6 cation.)

7 (Five-page Evidence of Mercury
8 Sampling is received and marked DE-1RR For
9 Identification.)

10 (Collection report, Lab No. 13865,
11 is received and marked DE-1SS For Identifi-
12 cation.)

13 (Collection report, Lab No. 13867,
14 is received and marked DE-1TT For Identifi-
15 cation.)

16 (Note to Chief, Operations Branch,
17 from Brezenski dated March 23, 1971, is
18 received and marked DE-1UU For Identifica-
19 tion.)

20 (DE-1VV daily effluent logs con-
21 sisting of twelve pages is received and
22 marked DE-1VV For Identification.)

23 (Letter dated October 26, 1971, to
24 Gus J. Bennett from B. Paye, is received
25 and marked DE-1WW For Identification.)



1 (Two-page daily effluent log is re-
2 ceived and marked DE-1XX For Identification.)

3 (Letter dated November 10, 1971, to
4 Gus Bennett from B. Faye, is received and
5 marked DE-1YY For Identification.)

6 (Daily effluent log is received and
7 marked DE-1ZZ For Identification.)

8 (Letter dated December 2, 1971, to
9 Mr. Bennett from B. Faye is received and
10 marked DE-1AAA For Identification.)

11 (Letter dated January 3, 1972 to
12 Mr. Bennett from B. I. Faye is received and
13 marked DE-1BBB For Identification.)

14 (Three-page daily effluent log is
15 received and marked DE-1CCC For Identifi-
16 cation.)

17 (Letter dated January 13, 1972, to
18 Troy Tidwell from Mr. Brezenski is received
19 and marked DE-1DDD For Identification.)

20 (Graph is received and marked
21 DE-1EEE For Identification.)

22 (Two-page daily effluent log is
23 received and marked DE-1FFF For Identi-
24 fication.)

25 (Letter dated February 9, 1972, to

1 Mr. Bennett from Barry Faye is received and
2 marked DE-1GGG For Identification.)

3 (Envelope to EPA from State of New
4 Jersey Department of Environmental Protection
5 is received and marked DE-1HHH For Identi-
6 fication.)

7 (Laboratory results dated February
8 15, 1972, is received and marked DE-1III
9 For Identification.)

10 (Laboratory results dated February
11 8, 1972, is received and marked DE-1JJJ
12 For Identification.)

13 (Letter dated February 24, 1972, to
14 Barry Faye from Russell E. Nerlick is re-
15 ceived and marked DE-1KKK For Identifica-
16 tion.)

17 (Routing and transmittal slip to
18 Gus Bennett is received and marked DE-1LLL
19 For Identification.)

20 (Daily effluent log is received
21 and marked DE-1MMM For Identification.)

22 (Letter dated March 8, 1972, to
23 Mr. Bennett from Mr. Faye is received and
24 marked DE-1NNN For Identification.)

25 (Nine-page daily effluent log is



1 received and marked DE-1000 For Identifica-
2 tion.)

3 (Three-page semi-monthly daily plant
4 effluent discharge report from August 14 to
5 September 3 is received and marked DE-1PPP
6 For Identification.)

7 (Four-page monthly daily plant
8 effluent discharge report for September '72
9 is received and marked DE-1QQQ For Identi-
10 fication.)

11 (Letter dated October 13, 1972, to
12 Mr. Bennett from Mr. Faye is received and
13 marked DE-1RRR For Identification.)

14 (Three-page monthly daily plant
15 effluent discharge report for October '72
16 is received and marked DE-1SSS For Identi-
17 fication.)

18 (Addendum to November 8, 1972,
19 letter is received and marked DE-1TTT For
20 Identification.)

21 (Letter dated November 8, 1972, to
22 Mr. Bennett from Mr. Faye is received and
23 marked DE-1UUU For Identification.)

24 (Four-page monthly daily plant
25 effluent discharge report for November 1972



1 is received and marked DE-1VVV For Identi-
2 fication.)

3 (Letter dated December 11, 1972, to
4 Mr. Bennett from Mr. Faye is received and
5 marked DE-1WWW For Identification.)

6 (Three-page monthly daily plant
7 effluent discharge report for January 1973
8 is received and marked DE-1XXX For Identi-
9 fication.)

10 (Letter dated February 8, 1973, to
11 Mr. Bennett from Mr. Faye is received and
12 marked DE-1YYY For Identification.)

13 (Three-page monthly copy plant
14 effluent discharge report for February 1973
15 is received and marked DE-1ZZZ For Identi-
16 fication.)

17 (Addendum to monthly report dated
18 March 14, 1973, is received and marked
19 DE-1AAAA For Identification.)

20 (Letter with handwritten date of
21 March 16, 1973, to Mr. Bennett from Mr. Faye
22 is received and marked DE-1BBBB For Identi-
23 fication.)

24 (Four-page monthly copy plant
25 effluent discharge report for March 1973,



1 is received and marked DE-1CCCC For Identi-
2 fication.)

3 (Letter dated April 6, 1973, to
4 Mr. Bennett from Mr. Faye is received and
5 marked DE-1DDDD For Identification.)

6 (Four-page monthly copy plant
7 effluent discharge report for April 1973,
8 is received and marked DE-1EEEE For Identi-
9 fication.)

10 (Letter dated May 15, 1973, to
11 Mr. Bennett from Mr. Fay is received and
12 marked DE-1FFFF For Identification.)

13 (Diagram on Wood-Ridge Chemical
14 Corp. letterhead is received and marked
15 DE-1GGGG For Identification.)

16 (Letter dated June 19, 1970, to
17 Mr. Ciancia, Joseph Bernstein is received
18 and marked DE-1HHHH For Identification.)

19 (Letter dated October 22, 1970, to
20 John C. Hoffmann from Mr. Ciancia is re-
21 ceived and marked DE-1IIII For Identifica-
22 tion.)

23 (Letter dated October 26, 1970, to
24 Mr. Ciancia from E. M. Myskowski is re-
25 ceived and marked DE-1JJJJ For Identification.)



1 (Two-page memo to Acting Commis-
2 sioner from Assistant Commissioner is re-
3 ceived and marked DE-1KKKK For Identifica-
4 tion.)

5 (Letter from Mr. Ciancia is re-
6 ceived and marked DE-1LLLL For Identifica-
7 tion.)

8 (Letter dated February 15, 1971,
9 to Chief, Industrial Wastes Section is re-
10 ceived and marked DE-1MMMM For Identifica-
11 tion.)

12 (Priority for meeting is received
13 and marked DE-1NNNN For Identification.)

14 (Letter dated May 6, 1971, to Mr.
15 Bennett from Mr. Ciancia is received and
16 marked DE-10000 For Identification.)

17 (Letter dated June 4, 1971, to Mr.
18 Bennett from Mr. Bernstein consisting of
19 seven pages is received and marked DE-1PPPP
20 For Identification.)

21 (Two-page letter dated June 7, 1971,
22 to Chief, Industrial Wastes Section from
23 Mr. Ciancia is received and marked
24 DE-1QQQQ For Identification.)

25 (Yellow letter dated June 8, 1971,
to Mr. Bernstein from Mr. Bennett is re-



1 ceived and marked DE-1RRRR For Identifica-
2 tion.)

3 (Letter dated June 16, 1971, to
4 Mr. Bennett from Mr. Faye is received and
5 marked DE-1SSSS For Identification.)

6 (Letter dated June 16, 1971, to
7 Mr. Bennett from Mr. Bernstein is received
8 and marked DE-1TTTT For Identification.)

9 (Letter dated June 29, 1971, to
10 Mr. Bennett from Mr. Faye is received and
11 marked DE-1UUUU For Identification.)

12 (Letter dated July 9, 1971, to Mr.
13 Bennett from Mr. Ciancia is received and
14 marked DE-1VVVV For Identification.)

15 (Two-page letter to files from
16 A. J. Martin dated July 9, 1971, is re-
17 ceived and marked DE-1WWWW For Identifica-
18 tion.)

19 (Graphs consisting of eight pages,
20 black and white, is received and marked
21 DE-1XXXX For Identification.)

22 (Letter dated July 22, 1971, to
23 Mr. Bennett from Mr. Bernstein consisting
24 of five pages is received and marked
25 DE-1YYYY For Identification.)



1 (Letter dated July 22, 1971, to
2 Mr. Bennett from Mr. Bernstein is received
3 and marked DE-1ZZZZ For Identification.)

4 (Letter dated August 13, 1971, to
5 Mr. Bennett from Mr. Faye is received and
6 marked DE-1AAAAA For Identification.)

7 (Letter dated August 17, 1971, to
8 Mr. Bennett from Mr. Faye is received and
9 marked DE-1BBBBB For Identification.)

10 (Yellow letter dated August 24, 1971,
11 to Mr. Faye from Mr. Bennett is received
12 and marked DE-1CCCCC For Identification.)

13 (Letter dated August 26, 1971, con-
14 sisting of two pages to Mr. Bennett from
15 Mr. Bernstein is received and marked
16 DE-1DDDDD For Identification.)

17 (Letter dated August 27, 1971, to
18 Mr. Bennett from Mr. Faye is received and
19 marked DE-1EEEEEE For Identification.)

20 (Three-page letter dated August 31,
21 1971, to Mr. Bennett from Mr. Faye is re-
22 ceived and marked DE-1FFFFFF For Identifica-
23 tion.)

24 (Letter dated September 17, 1971,
25 to Mr. Bennett from Mr. Faye is received



1 and marked DE-1GGGGG For Identification.)

2 (Three-page yellow letter to Mr.
3 Faye from Mr. William Horner dated September
4 27, 1971, is received and marked DE-1HHHHH
5 For Identification.)

6 (Letter dated October 4, 1971, to
7 Mr. Bennett from Mr. Faye is received and
8 marked DE-1IIIII For Identification.)

9 (Drawing is received and marked
10 DE-1JJJJJ For Identification.)

11 (Two-page list of discharges is re-
12 ceived and marked DE-1KKKKK For Identifica-
13 tion.)

14 (Letter dated October 12, 1971, con-
15 sisting of three pages to Mr. Bennett from
16 Mr. Hoffmann is received and marked
17 DE-1LLLLL For Identification.)

18 (Yellow letter dated November 16,
19 1971, consisting of three pages to Mr.
20 Hoffmann from Mr. Horner is received and
21 marked DE-1MMMMM For Identification.)

22 (Wood-Ridge analysis of October 22,
23 1971, is received and marked DE-1NNNNN For
24 Identification.)

25 (Letter dated December 10, 1971, to



1 Mr. Horner is received and marked DE-100000
2 For Identification.)

3 (Letter dated December 23, 1971 to
4 Mr. Horner from Mr. Faye is received and
5 marked DE-1PPPPP For Identification.)

6 (Basin analysis is received and
7 marked DE-100000 For Identification.)

8 (Analysis of non-mercurial discharges
9 consisting of four pages is received and
10 marked DE-1RRRRR For Identification.)

11 (Wood-Ridge industrial waste system
12 Part III is received and marked DE-1SSSSS
13 For Identification.)

14 (Wood-Ridge industrial waste system
15 Part II is received and marked DE-1TTTTT
16 For Identification.)

17 (Wood-Ridge industrial waste system
18 Part I is received and marked DE-1UUUUU For
19 Identification.)

20 (Storm sewer system drawing is re-
21 ceived and marked DE-1VVVVV For Identifica-
22 tion.)

23 (Letter dated January 14, 1972, to
24 Mr. Horner from Mr. Hoffmann consisting of
25 nine pages is received and marked DE-1WWWWW



1 For Identification.)

2 (Schedule A- Summary of analyses is
3 received and marked DE-1XXXXX For Identifi-
4 cation.)

5 (Drawing is received and marked
6 DE-1YYYYY For Identification.)

7 (Two-page laboratory report from
8 Metcalf & Eddy is received and marked
9 DE-1ZZZZZ For Identification.)

10 (Fourteen-page lab report, No. 7505,
11 is received and marked DE-1AAAAAA For Ident-
12 tification.)

13 (Letter dated February 24, 1972,
14 consisting of two pages to Mr. Horner from
15 Mr. Hoffmann is received and marked
16 DE-1BBBBBB For Identification.)

17 (Yellow letter consisting of two
18 pages to Mr. Hoffmann from Mr. Horner is
19 received and marked DE-1CCCCCC For Identifi-
20 cation.)

21 (Letter dated March 27, 1972, to
22 Mr. Bennett from Mr. Faye is received and
23 marked DE-1DDDDDD For Identification.)

24 (Figure I - Storm sewer system is
25 received and marked DE-1EEEEEE For Identifi-
cation.)

1 (Letter dated April 25, 1972, con-
2 sisting of two pages to Mr. Horner from
3 Mr. Hoffmann is received and marked
4 DE-1FFFFFF For Identification.)

5 (Letter dated April 21, 1972, to
6 Mr. Bennett from Mr. Faye is received and
7 marked DE-1GGGGGG For Identification.)

8 (Letter dated May 12, 1972, to Mr.
9 Bennett from Mr. Faye consisting of two
10 pages is received and marked DE-1HHHHHH
11 For Identification.)

12 (Letter dated June 8, 1972, to
13 Mr. Bennett from Mr. Faye is received and
14 marked DE-1IIIIII For Identification.)

15 (Letter dated July 14, 1972, to
16 Mr. Bennett from Mr. Faye is received and
17 marked DE-1JJJJJJ For Identification.)

18 (Letter dated August 24, 1972, to
19 Mr. Bennett from Mr. Faye is received and
20 marked DE-1KKKKKK For Identification.)

21 (Letter dated September 15, 1972,
22 to Mr. Bennett from Mr. Faye is received
23 and marked DE-1LLLLLL For Identification.)

24 (Letter dated September 21, 1972,
25 to Mr. Horner from Mr. Faye is received and



1 marked DE-1MMMMMM For Identification.)

2 (Letter dated January 11, 1973,
3 consisting of five pages to Mr. Bennett
4 from Mr. Faye is received and marked
5 DE-1NNNNNNN For Identification.)

6 (Yellow letter dated June 21, 1974,
7 consisting of two pages, to Rovic from Mr.
8 Gluckstern is received and marked DE-1000000
9 For Identification.)

10 (Yellow sheet of paper with hand-
11 written notes is received and marked
12 DE-1PPPPPP For Identification.)

13 (Three white pages of handwritten
14 notes are received and marked DE-1QQQQQQ
15 For Identification.)

16 (Report of phone call visit dated
17 February 11, 1970, is received and marked
18 DE-1RRRRRR For Identification.)

19 (Ventron Corp. Hg effluent treatment
20 drawing is received and marked DE-1SSSSSS
21 For Identification.)

22 (Waste discharge log is received and
23 marked DE-1TTTTTT For Identification.)

24 (Drawings consisting of seven pages,
25 Ventron Corp., is received and marked



1 DE-1UUUUUU For Identification.)

2 (Two-page list of company name, lo-
3 cation, etcetera, is received and marked
4 DE-1VVVVVV For Identification.)

5 (Letter dated July 30, 1971, to
6 Carl Eardley from Mr. Bennett is received
7 and marked DE-1WWWWW For Identification.)

8 (Yellow letter dated September 9,
9 1971, to Mr. Dewling from Mr. Horner is
10 received and marked DE-1XXXXXX For Identi-
11 fication.)

12 (Yellow letter dated June 16, 1971,
13 to Mr. Eardley from Mr. Bennett is received
14 and marked DE-1YYYYYY For Identification.)

15 (Two-page drawing is received and
16 marked DE-1ZZZZZZ For Identification.)

17 (Yellow letter to Mr. Bernstein
18 from Mr. Bennett is received and marked
19 DE-1AAAAAA For Identification.)

20 (Two-page Ventron Corp. drawing is
21 received and marked DE-1BBBBBBB For Iden-
22 tification.)

23 (Diagram EPA is received and marked
24 DE-1CCCCCCC For Identification.)

25 (Letter dated September 16, 1971,



1 consisting of three pages to Mr. Bennett
2 from Don Macaluso and Troy Tidwell is re-
3 ceived and marked DE-1DDDDDDD For Identifi-
4 cation.)

5 (Letter dated September 23, 1971,
6 to B. Lim from Mr. Bennett is received and
7 marked DE-1EEEEEEE For Identification.)

8 (Two-page report, IV - 28 and 29 is
9 received and marked DE-1FFFFFFF For Identifi-
10 cation.)

11 (Letter dated October 28, 1971, to
12 Mr. Horner from D. Macaluso is received and
13 marked DE-1GGGGGGG For Identification.)

14 (Short note to: GJB from WRH dated
15 October 29, 1971, is received and marked
16 DE-1HHHHHHH For Identification.)

17 (Diagram, Ventron Corporation, is
18 received and marked DE-1IIIIIII For Identifi-
19 cation.)

20 (Diagram, Ventron Corporation, is
21 received and marked DE-1JJJJJJJ For Identifi-
22 cation.)

23 (Yellow letter dated October 26, 1971,
24 consisting of four pages to Mr. Horner from
25 Mr. Macaluso is received and marked



1 DE-1KKKKKKK For Identification.)

2 (Two-page report, IV - 28 and 29, is
3 received and marked DE-1LLLLLLL For Identifi-
4 cation.)

5 (Yellow letter dated October 28,
6 1971, to Mr. Horner from Mr. Macaluso is
7 received and marked DE-1MMMMMM For Identifi-
8 cation.)

9 (Yellow letter dated November 10,
10 1971, to Ernest Segesser from Mr. Bennett
11 is received and marked DE-1NNNNNNN For
12 Identification.)

13 (Handwritten notes, are received and
14 marked DE-10000000 For Identification.)

15 (Letter dated November 5, 1971, to
16 Chief, Field Investigations Branch from
17 Mr. Brezenski is received and marked
18 DE-1PPPPPPP For Identification.)

19 (Two drawing worksheets are re-
20 ceived and marked DE-1QQQQQQQ For Identifi-
21 cation.)

22 (Three-page handwritten notes,
23 analysis of Ventron results November 10,
24 1971, is received and marked DE-1RRRRRRR
25 For Identification.)

1 (Envelope to EPA from N.J.D.E.P. is
2 received and marked DE-1SSSSSSS For Identi-
3 fication.)

4 (Letter dated November 24, 1971 to
5 Ventron from Douglas M. Clark is received
6 and marked DE-1TTTTTTT For Identification.)

7 (Yellow letter dated December 9,
8 1971, from Mr. Bennett is received and
9 marked DE-1UUUUUUU For Identification.)

10 (Two-page mercury sampling results
11 for year 1971 is received and marked
12 DE-1VVVVVVV For Identification.)

13 (Letter dated December 10, 1971,
14 to Mr. Bennett from Mr. Nerlick is received
15 and marked DE-1WWWWWWW For Identification.)

16 (Yellow letter dated December 22,
17 1971, from Mr. Tidwell is received and
18 marked DE-1XXXXXXX For Identification.)

19 (Routing and transmittal slip is
20 received and marked DE-1YYYYYYY For Identi-
21 fication.)

22 (Business card of James T. O'Rourke,
23 PHD, is received and marked DE-1ZZZZZZZ
24 For Identification.)

25 (Yellow letter dated January 17, 1972,



1 to Mr. Bennett from Mr. Horner consisting
2 of three pages is received and marked
3 DE-1AAAAAAAAA For Identification.)

4 (Letter to Mr. Horner from Mr.
5 Hoffmann consisting of nine pages is re-
6 ceived and marked DE-1BBBBBBBBB For Identi-
7 fication.)

8 (Figure I - Storm Sewer System is
9 received and marked DE-1CCCCCCCCC For Identi-
10 fication.)

11 (Wood-Ridge Industrial Waste System
12 Part I, II, III is received and marked
13 DE-1DDDDDDDD For Identification.)

14 (Analysis of non-mercurial discharges
15 consisting of two pages is received and
16 marked DE-1EEEEEEEE For Identification.)

17 (Calculation of residual AG IN
18 consisting of three pages is received and
19 marked DE-1FFFFFFFFF For Identification.)

20 (Graph is received and marked
21 DE-1GGGGGGGG For Identification.)

22 (Letter dated Janaury 17, 1972, to
23 Mr. Bennett from Mr. Horner consisting of
24 three pages is received and marked
25 DE-1HHHHHHHH For Identification.)



(Handwritten notes on yellow sheet,
"To Bill Horner," is received and marked
DE-1111111111 For Identification.)

(Letter dated March 3, 1972, con-
sisting of two pages to Mr. Tidwell from
Mr. Horner is received and marked
DE-1JJJJJJJJ For Identification.)

(Letter dated March 15, 1972, con-
sisting of two pages to Mr. Horner from
Marcus E. Kantz is received and marked
DE-1KKKKKKKK For Identification.)

(Letter dated February 8, 1972, con-
sisting of three pages to Steven Reubin
from George Zargan is received and marked
DE-1LLLLLLLLL For Identification.)

(Yellow letter dated March 15, 1972,
consisting of two pages to Mr. Horner from
Mr. Kantz is received and marked DE-1NNNNNNNN
For Identification.)

(Letter and carbon copy dated May 24,
1972, to Mr. Horner from Mr. Kantz is re-
ceived and marked DE-1NNNNNNNN For Identifi-
cation.)

(Letter and carbon dated September
11, 1972, to Robert Denham from Dorothy Burke



1 is received and marked DE-100000000 For Identification.)
2

3 (Brown book, annual report Ventron
4 Corp. 1970, is received and marked
5 DE-1PPPPPPPP For Identification.)

6 (White book - Ventron is received
7 and marked DE-100000000 For Identification.)

8 (Article, "Keeping Mercury Out of
9 the Water," is received and marked
10 DE-1RRRRRRRR For Identification.)

11 (Four-page handwritten notes in
12 black, red, and blue ink are received and
13 marked DE-2A For Identification.)

14 (Notice of Prosecution is received
15 and marked DE-2B For Identification.)

16 (Letter dated June 26, 1974, to
17 Wolf Realty Co. from Bernhardt V. Lind is
18 received and marked DE-2C For Identification.)

19 (Letter dated June 10, 1974, is re-
20 ceived and marked DE-2D For Identification.)

21 (Two-page document with Rovic
22 Construction Company on the top is received
23 and marked DE-2E For Identification.)

24 (Letter dated August 5, 1975, to
25 Rovic from David Longstreet is received



1 and marked DE-2F For Identification.)

2 (Civil action complaint consisting
3 of eight pages, State of New Jersey vs.
4 Wolf, et al., is received and marked DE-2G
5 For Identification.)

6 (Letter dated April 6, 1976, to
7 H. Gluckstern from D. C. Longstreet is re-
8 ceived and marked DE-2H For Identification.)

9 (Letter dated November 8, 1976,
10 consisting of two pages to Dr. Richard
11 Dewling from Ron P. Heksch is received and
12 marked DE-2I For Identification.)

13 (Letter dated December 8, 1976, to
14 Ron Heksch from Mr. Dewling is received
15 and marked DE-2J For Identification.)

16 (Memo dated July 3, 1974, to
17 Mr. Gluckstern from Mr. Polito is received
18 and marked DE-2K For Identification.)

19 (Letter dated July 22, 1974, to
20 Martin Tanzer from Mr. Polito is received
21 and marked DE-2L For Identification.)

22 (Memo dated July 24, 1974, to
23 Mr. Gluckstern from Mr. Polito is received
24 and marked DE-2M For Identification.)

25 (Letter dated October 1, 1974, to

1 Mr. Polito from Ed J. Paille is received
2 and marked DE-2N For Identification.)

3 (Memo dated October 7, 1974, to
4 Mr. Gluckstern from Mr. Polito is received
5 and marked DE-2O For Identification.)

6 (Memo dated December 18, 1974, to
7 Mr. Gluckstern from William Librizzi is
8 received and marked DE-2P For Identification.)

9 (Yellow letter dated February 6,
10 1975, consisting of two pages to El Paso
11 Natural Gas Co. from Mr. Gluckstern is re-
12 ceived and marked DE-2Q For Identification.)

13 (Yellow letter dated February 6,
14 1975, consisting of two pages to Bonanza
15 Oil and Mining Corp. from Mr. Gluckstern
16 is received and marked DE-2R For Identifi-
17 cation.)

18 (Yellow letter dated February 6,
19 1975, consisting of two pages to Consolidated
20 Brew's Minerals, Ltd., from Mr. Gluckstern
21 is received and marked DE-2S For Identifi-
22 cation.)

23 (Yellow letter dated February 6,
24 1975, consisting of two pages to New Idria
25 Mining and Chemical Co. from Mr. Gluckstern



1 is received and marked DE-2T For Identifi-
2 cation.)

3 (Three-page memo to Mr. Polito
4 from Alfred W. Lindsey is received and
5 marked DE-2U For Identification.)

6 (Letter dated June 9, 1975, to Mr.
7 Polito from W. F. Jud is received and
8 marked DE-2V For Identification.)

9 (Letter dated June 23, 1975, to
10 Mr. Gluckstern from Mr. Polito is received
11 and marked DE-2W For Identification.)

12 (Undated letter to William Jud from
13 Mr. Gluckstern is received and marked DE-2X
14 For Identification.)

15 (Letter dated July 22, 1975 to Mr.
16 Gluckstern from Mr. Polito is received
17 and marked DE-2Y For Identification.)

18 (Letter dated August 13, 1975, to
19 Mr. Gluckstern from Mr. Polito is received
20 and marked DE-2Z For Identification.)

21 (Memo dated August 20, 1975, to
22 Mr. Polito from Francis T. Brezenski is
23 received and marked DE-2AA For Identifica-
24 tion.)

25 (Letter dated August 20, 1975, to



1 Mr. Gluckstern from Mr. Polito is received
2 and marked DE-2BB For Identification.)

3 (Letter dated August 30, 1974, to
4 Mr. Longstreet from Mr. John Andrews is
5 received and marked DE-2CC For Identifica-
6 tion.)

7 (Letter dated August 23, 1974, to
8 Frank Coolick from J. Andrews is received
9 and marked DE-2DD For Identification.)

10 (Test borings sheet M-1 Rovic Con-
11 struction Co. is received and marked DE-2EE
12 For Identification.)

13 (Drawing, Joseph S. Ward, Inc.,
14 cutoff wall alternates is received and
15 marked DE-2FF For Identification.)

16 (Drawing, Joseph S. Ward, Inc., is
17 received and marked DE-2GG For Identifica-
18 tion.)

19 (Letter dated January 29, 1975,
20 consisting of three pages to Mr. Andrews
21 from Tom J. Scheil is received and marked
22 DE-2HH For Identification.)

23 (Lab report dated January 23, 1975,
24 is received and marked DE-2II For Identifi-
25 cation.)



1 (Letter dated January 30, 1975, to
2 William Librizzi from John Andrews consist-
3 ing of two pages is received and marked
4 DE-2JJ For Identification.)

5 (Letter dated August 11, 1975, con-
6 sisting of two pages to Mr. Longstreet from
7 Lloyd R. Ganon is received and marked DE-2KK
8 For Identification.)

9 (Stipulation among Robert J. and
10 Rita M. Wolf and United States EPA and
11 N.J.D.E.P. is received and marked DE-2LL
12 For Identification.)

13 (Letter dated November 4, 1975,
14 consisting of two pages to Mr. Gluckstern
15 from Mike L. Rodburg is received and marked
16 DE-2MM For Identification.)

17 (Letter dated November 25, 1975,
18 to Mr. Rodburg from Mr. Gluckstern is re-
19 ceived and marked DE-2NN For Identification.)

20 (Letter dated December 1, 1975, to
21 Mr. Gluckstern from Carol Johnson is re-
22 ceived and marked DE-200 For Identification.)

23 (Letter dated June 21, 1974, con-
24 sisting of two pages to Rovic from Mr.
25 Gluckstern is received and marked DE-2PP



1 For Identification.)

2 (Rovic Construction meeting July 1,
3 1974, is received and marked DE-2QQ For
4 Identification.)

5 (Four-page memorandum of understand-
6 ing between U.S.E.P.A., N.J.D.E.P., Rovic
7 and Wolf is received and marked DE-2RR For
8 Identification.)

9 (Attendance list, December 5, 1974
10 meeting is received and marked DE-2SS For
11 Identification.)

12 (Two pages with names, organizations,
13 and phones dated January 10, 1975, is re-
14 ceived and marked DE-2TT For Identification.)

15 (Yellow letter dated February 28,
16 1975, consisting of three pages to Mr.
17 Andrews from Meyer Scolnick is received and
18 marked DE-2UU For Identification.)

19 (Letter dated June 9, 1975, to Mr.
20 Polito from Mr. Jud is received and marked
21 DE-2VV For Identification.)

22 (Letter dated July 8, 1975, to
23 Mr. Jud from Mr. Polito is received and
24 marked DE-2WW For Identification.)

25 (Letter dated July 3, 1975, to



1 R. Wolf from F. C. Witmer is received and
2 marked DE-2XX For Identification.)

3 (Letter dated July 25, 1975, to
4 Mr. Polito from H. S. McAllister is re-
5 ceived and marked DE-2YY For Identification.)

6 (Two-page memorandum to file from
7 Mr. Gluckstern is received and marked
8 DE-2ZZ For Identification.)

9 (Two pages of typewritten notes
10 dated August 25, 1975, is received and
11 marked DE-2AAA For Identification.)

12 (Meeting between EPA, Wolf Enter-
13 prises, Inc., and N.J.D.E.P. is received
14 and marked DE-2BBB For Identification.)

15 (Meeting with Rovic, Wolf Realty,
16 August 25, 1975, is received and marked
17 DE-2CCC For Identification.)

18 (Letter dated September 2, 1975,
19 to Mr. Rodburg from Mr. Gluckstern is re-
20 ceived and marked DE-2DDD For Identification.)

21 (Letter dated September 3, 1975,
22 to Ventron from Mr. Polito is received and
23 marked DE-2EEE For Identification.)

24 (Letter dated September 8, 1975, to
25 Mr. Gluckstern from Mr. Rodburg is received



1 and marked DE-2FFF For Identification.)

2 (Stipulation between Robert and
3 Rita Wolf, and U.S.E.P.A. AND N.J.D.E.P. is
4 received and marked DE-2GGG For Identifica-
5 tion.)

6 (Three pages of typewritten notes
7 are received and marked DE-2HHH For Identi-
8 fication.)

9 (Letter dated September 17, 1975,
10 to U.S.E.P.A. from Mr. Longstreet is re-
11 ceived and marked DE-2III For Identification.)

12 (Two-page memorandum of meeting
13 between EPA and Wolf Enterprises dated
14 October 20, 1975, is received and marked
15 DE-2JJJ For Identification.)

16 (Memo of meeting from Mr. Gluckstern
17 to file dated October 20, 1975, is received
18 and marked DE-2KKK For Identification.)

19 (Notes with green ink are received
20 and marked DE-2LLL For Identification.)

21 (Notes, photocopy, is received and
22 marked DE-2MMM For Identification.)

23 (Letter dated November 25, 1975, to
24 Mr. Rodburg from Mr. Gluckstern is received
25 and marked DE-2NNN For Identification.)

1 (Chronological summary dated July
2 30, 1974, consisting of thirteen pages is
3 received and marked DE-2000 For Identifica-
4 tion.)

5 (Letter dated November 20, 1974 to
6 Harry H. Hughes from R. C. Petersen is re-
7 ceived and marked DE-2PPP For Identification.)

8 (Copy of news article, "The Mess
9 at Berry's Creek," is received and marked
10 DE-2QQQ For Identification.)

11 (Copy of news article entitled,
12 "The Berry's Creek Quagmire," is received
13 and marked DE-2RRR For Identification.)

14 (Letter dated July 23, 1975, to
15 Mr. Gluckstern from Mr. Polito is received
16 and marked DE-2SSS For Identification.)

17 (Drawing, Ventron Chemical demoli-
18 tion site, is received and marked DE-2TTT
19 For Identification.)

20 (Letter dated June 19, 1974, to
21 Chief, Emergency Response Branch from F.
22 Brezenski consisting of three pages is
23 received and marked DE-2UUU For Identifi-
24 cation.)

25 (Lab analysis to Chief, E. R. Branch,

1 from Mr. Brezenski dated June 28, 1974, is
2 received and marked DE-2VVV For Identifica-
3 tion.)

4 (Lab analysis to Chief, E. R. Branch
5 from Mr. Brezenski dated July 2, 1974, is
6 received and marked DE-2WWW For Identifica-
7 tion.)

8 (Five pages with typed numbers on
9 them are received and marked DE-2XXX For
10 Identification.)

11 (Letter dated August 5, 1974, to
12 M. Tanzer, From Mr. Polito is received and
13 marked DE-2YYY For Identification.)

14 (Lab report dated October 1, 1974,
15 is received and marked DE-2ZZZ For Identi-
16 fication.)

17 (Lab analysis dated August 8, 1974,
18 is received and marked DE-2AAAA For Identi-
19 fication.)

20 (Two-way memo dated August 8, 1974,
21 to Mr. Gluckstern from Mr. Polito is re-
22 ceived and marked DE-2BBBB For Identifica-
23 tion.)

24 (Letter dated August 29, 1974, to
25 Mr. Andrews from E. Rider is received and



1 marked DE-2CCCC For Identification.)

2 (Sketch is received and marked
3 DE-2DDDD For Identification.)

4 (Lab report dated October 1, 1974,
5 is received and marked DE-2EEEE For Ident-
6 tification.)

7 (Lab report dated October 1, 1974,
8 is received and marked DE-2FFFF For Identi-
9 fication.)

10 (Report of phone call visit dated
11 February 11, 1970, is received and marked
12 DE-4A For Identification.)

13 (Letter dated August 11, 1970, con-
14 sisting of two pages to Frank Hall from
15 Albert W. Bromberg is received and marked
16 DE-4B For Identification.)

17 (Report of phone call visit dated
18 October 1, 1970, is received and marked
19 DE-4C For Identification.)

20 (New York State Mercury and Pollution
21 Investigation consisting of fourteen pages
22 is received and marked DE-4D For Identifica-
23 tion.)

24 (Yellow letter dated September 15,
25 1970, to Frank Hall from Mr. Bromberg is re-



1 ceived and marked DE-4E For Identification.)

2 (Mercury analysis - water samples
3 dated September 1970 is received and marked
4 DE-4F For Identification.)

5 (Memo dated October 7, 1970, to
6 Regional Director, F. W.Q.A. from C. R. Hirth
7 is received and marked DE-4G For Identifi-
8 cation.)

9 (Mercury analysis - water samples
10 dated October '70 is received and marked
11 DE-4H For Identification.)

12 (Memo dated October 22, 1970, to
13 Regional Director, F.W.Q.A. from Mr. Hirth
14 is received and marked DE-4I For Identifi-
15 cation.)

16 (Orange route slip to Mr. Ciancia
17 is received and marked DE-4J For Identifi-
18 cation.)

19 (Mercury analysis - sediment samples
20 dated September 1970 is received and marked
21 DE-4K For Identification.)

22 (Mercury analysis - water samples
23 dated October 1970 is received and marked
24 DE-4L For Identification.)

25 (Memo dated October 14, 1970, to



1 Regional Director F.W.Q.A. from Mr. Hirth
2 is received and marked DE-4M For Identifi-
3 cation.)

4 (Document entitled "Dissolved
5 Mercury in Water Samples as Determined by
6 U. S. Geological Survey Laboratories,
7 Denver," is received and marked DE-4N For
8 Identification.)

9 (Document entitled "Dissolved
10 Mercury and Water Samples as Determined
11 by U. S. Geological Survey Laboratories,
12 Denver," is received and marked DE-4O For
13 Identification.)

14 (Memo dated September 3, 1970, to
15 Commissioner from Director is received and
16 marked DE-4P For Identification.)

17 (Memo to all regional directors,
18 A.D. Sidio, V. Lanbou from Assistant
19 Commissioner dated October 12, 1970, is
20 received and marked DE-4Q For Identification.)

21 (Routing and transmittal slip dated
22 October 26, 1970, is received and marked
23 DE-4R For Identification.)

24 (Note dated October 21, 1970, to
25 Chief, Operations Branch, Chief, Laboratory



1 Branch, from Mr. Brezenski is received and
2 marked DE-4S For Identification.)

3 (Routing and transmittal slip to
4 John Ciancia is received and marked DE-4T
5 For Identification.)

6 (Letter dated October 22, 1970, to
7 John C. Hoffmann from J. Ciancia is received
8 and marked DE-4U For Identification.)

9 (Document entitled "Mercury Control
10 Program," is received and marked DE-4V
11 For Identification.)

12 (Letter dated December 28, 1970, to
13 Deputy Regional Director from Mr. Bromberg
14 is received and marked DE-4W For Identifi-
15 cation.)

16 (Memo to Murray Stein from Chief,
17 Operations Branch dated January 29, 1971,
18 is received and marked DE-4X For Identifi-
19 cation.)

20 (Report of phone call visit dated
21 August 11, is received and marked DE-4Y
22 For Identification.)

23 (Yellow letter consisting of two
24 pages dated February 15, 1971, to Chief,
25 Industrial Wastes Section, from Mr. Ciancia



1 is received and marked DE-4Z For Identifi-
2 cation.)

3 (Typewritten report, yellow, con-
4 sisting of seventeen pages, is received and
5 marked DE-4AA For Identification.)

6 (Yellow priority for meetings is
7 received and marked DE-4BB For Identifica-
8 tion.)

9 (Yellow letter dated May 6, 1971,
10 to Chief, Industrial Wastes Section, from
11 Mr. Ciancia is received and marked DE-4CC
12 For Identification.)

13 (Yellow letter dated June 7, 1971,
14 to Chief, Industrial Wastes Section, from
15 Mr. Ciancia is received and marked DE-4DD
16 For Identification.)

17 (Map - Ventron Corp./Wood-Ridge,
18 N.J. is received and marked DE-4EE For
19 Identification.)

20 (Yellow letter dated November 1,
21 1971, consisting of three pages to P. Nixon
22 is received and marked DE-4FF For Identifi-
23 cation.)

24 (Letter dated November 5, 1971, to
25 Chief, Field Investigations Branch, from



1 Mr. Brezenski is received and marked DE-4GG
2 For Identification.)

3 (Daily effluent log is received and
4 marked DE-4HH For Identification.)

5 (Letter dated December 2, 1971, to
6 Gus J. Bennett from Mr. Ciancia is received
7 and marked DE-4II For Identification.)
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STATE OF NEW JERSEY, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Plaintiff,

-vs-

VENTRON CORPORATION, a Massachusetts
Corporation, WOOD-RIDGE CHEMICAL
COMPANY, a Nevada Corporation,
ROBERT M. WOLF and RITA WOLF, his
wife, and THE UNITED STATES LIFE
INSURANCE COMPANY, a New York
Corporation,

Defendants.

CERTIFICATE
OF
REPORTER

I, WANDA URBANIAK, a Notary Public and Certified Shorthand
Reporter of the State of New Jersey, do hereby certify that prior to the
commencement of the examination, the witnesses, Henry Gluckstern
and Michael V. Polito were

~~was~~ sworn by me to testify the truth, the whole truth and nothing but the
truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate
transcript of the testimony as taken stenographically by and before me at
the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee
nor attorney nor counsel of any of the parties to this action, and that I am
neither a relative nor employee of such attorney or counsel, and that I am
not financially interested in the action.

Wanda Urbaniak

A Notary Public of New Jersey

My commission expires
May 1, 1977